

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

DANIEL VILLEGAS,	\$	
	\$	
Plaintiff,	\$	
	\$	
v.	\$	No. 3:15-CV-386-FM-LS
	\$	
CITY OF EL PASO, ALFONSO MARQUEZ,	\$	
CARLOS ORTEGA, SCOTT GRAVES,	\$	
KEMMIT BELLOWS, EARL ARBOGAST,	\$	
RAY SANCHEZ, HECTOR LOYA, and	\$	
UNKNOWN EMPLOYEES OF THE CITY	\$	
OF EL PASO,	\$	
	\$	
Defendants.	\$	

DEFENDANT'S HECTOR LOYA, JR., SCOTT GRAVES, EARL ARBOGAST,
AND RAY SANCHEZ UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE THEIR RULE 12 MOTIONS IN RESPONSE TO
PLAINTIFFS' THIRD AMENDED COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendants Officers Hector Loya, Jr., Scott Graves, Earl Arbogast, and Ray Sanchez, by and through their attorneys of record, and file this their Unopposed Motion for Extension of Time to File His Rule 12 Motions in Response to Plaintiffs' Third Amended Complaint, and in support thereof would show the Honorable Court as follows:

1. Plaintiff filed his Third Amended Complaint, (Doc. # 153) on October 19, 2019. Accordingly, the Officers' Answers or Rule 12 motions to dismiss would be due on November 4, 2019.
2. In order to properly defend against the accusations contained in Plaintiff's Third Amended Complaint, (Doc. # 153), Officers Hector Loya, Jr., Scott Graves, Earl Arbogast, and Ray

Sanchez, through counsel, will need to insure that their rights pursuant to the doctrine of qualified immunity are properly invoked, by way of a Rule 12(b)(6) Motion to Dismiss.

3. Counsel for the Officers just finished a trial in a case styled the *State v. Gomez*, an officer-involved shooting criminal trial which began on October 3, 2019, in the 120th District Court of El Paso County, Texas, and concluded on October 17, 2019. Additionally, Lead Counsel, Jim Darnell started another trial on October 22, 2019, in *State v. Sullivan*, Cause No. CR1800857 pending in Jeff Davis County, Texas. The *Sullivan* case is a murder trial and it is expected to last until November 2, 2019. Undersigned counsel have four (4) Rule 12 motions due in this cause and it would present a severe hardship to counsel to draft all four (4) Rule 12 motions on file without sufficient preparation time.

4. Counsel for Officers Hector Loya, Jr., Scott Graves, Earl Arbogast, and Ray Sanchez has spoken with Sam Heppell, counsel for Plaintiffs, who is in agreement with the relief requested herein.

5. Officers Hector Loya, Jr., Scott Graves, Earl Arbogast, and Ray Sanchez request, by agreement of the Plaintiffs, that their deadline to file their Rule 12 motions is extended until December 2, 2019.

WHEREFORE, PREMISES CONSIDERED, Officers Hector Loya, Jr., Scott Graves, Earl Arbogast, and Ray Sanchez, pray that this

Court grant their Unopposed Motion for Extension of Time to File His Rule 12 Motions in Response to Plaintiff's Second Amended Complaint and extend the deadline until December 2, 2019.

Respectfully submitted,

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By: /s/ Jeep Darnell

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**Attorneys for Officers Hector
Loya, Jr., Scott Graves, Earl
Arbogast, and Ray Sanchez**

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, 2019, a true and correct copy of the foregoing document has been electronically filed via the CM/ECF system.

/s/ Jeep Darnell

Jeep Darnell